

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:08-cr-062
Also Case No. 3:09-cv-396

-vs- : District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

DAVID W. HALL,

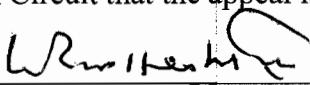
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 61), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 12, 2011, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant's request to proceed *in forma pauperis* on appeal is denied and the Court certifies to the Sixth Circuit that the appeal is objectively frivolous.

May 19, 2011.


Walter Herbert Rice
United States District Judge